

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE NORFOLK SOUTHERN CORPORATION
BOND/NOTE SECURITIES LITIGATION.

CIVIL ACTION NO. 23 Civ. 4068 (LAK) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

In their memorandum of law in support of the motion under Federal Rule of Civil Procedure 12(b)(6) to dismiss (ECF No. 112 (the “Motion”)) Plaintiffs’ First Amended Complaint (ECF No. 105 (the “FAC”)), the Norfolk Southern Defendants¹ assert that Plaintiffs “allege[] that 27 different statements—only 19 of which are incorporated into the Offering Materials for the two senior notes that these Plaintiffs actually purchased—were materially false or misleading” (the “27 Statements”). (ECF No. 115 at 16). The Motion is unclear, however, to which paragraphs in the FAC the tabulation of 27 Statements refers. In their opposition to the Motion, Plaintiffs appear to agree that they premise their claims on the 27 Statements (see ECF No. 121 at 17–18), but they similarly fail to identify to which paragraphs in the FAC the 27 Statements correspond.

Accordingly, the Norfolk Southern Defendants are directed to bring to the May 29, 2024 Oral Argument (see ECF No. 123) a demonstrative reflecting the 27 Statements, with citations to the FAC or other documents filed in connection with the Motion (the “Demonstrative”). The Norfolk Southern Defendants shall provide a copy of the Demonstrative to Plaintiffs no later than **10:00 a.m. on May 28, 2024**. To the extent that Plaintiffs disagree with the Norfolk Defendants’

¹ The Norfolk Southern Defendants are the Norfolk Southern Corporation, Alan H. Shaw, James A. Squires, Mark R. George, Clyde H. Allison, Jr., Thomas D. Bell, Jr., Mitchell E. Daniels, Jr., Marcela E. Donadio, John C. Huffard, Christopher T. Jones, Thomas C. Kelleher, Steven F. Leer, Michael D. Lockhart, Amy E. Miles, Claude Mongeau, Jennifer F. Scanlon, and John R. Thompson. (See ECF No. 112).

delineation of the 27 Statements, they may provide the Court their own demonstrative at the Oral Argument.

Dated: New York, New York
May 17, 2024

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge